COCHIN LEGISLATIVE COUNCIL PROCEEDINGS

OFFICIAL REPORT OF THE LEGISLATIVE SESSION, 1122

Tuesday, *the* $\frac{\textit{15th April 1947}}{\textit{2nd Medam 1122}}$

The Council met in the Council Hall, Ernakulam, at half-past Eleven of the Clock with the Hon'ble Diwan President (Diwan Bahadur C. P. Karunakara Menon) in the Chair.

Dr. S. S. Rao, Mr. T. V. Kochuvareed, Mrs. Dakshayani Velayudhan, Messrs. S. P. Luiz, and P. Achutha Menon were absent.

1. SWEARING IN OF NEW MEMBERS

The following members were sworn in.—

Rao Sahib A. Madhava Prabhu, Chief Secretary to Government.

Mr. Paul P. Mampilly, Advocate-General.

Mr. M. Sivarama Menon, Constitutional Adviser to Government.

Mr. K. S. Raghavan, Secretary to Government (Finance, etc., Departments).

2. ELECTION OF THE PRESIDENT

Diwan President:—Three valid nominations have been received. The names are: 1. Mr. A. Eachara Menon, proposed by Mr. Jos K. Varghese and seconded by Mr. T. K. L. Kunjuvareed. No. 2. Mr. P. Kumaran Ezhuthassan, proposed by Mr. K. Balakrishna Menon and seconded by Dr. S. S. Rao and No. 3. Mr. L. M. Pylee, proposed by Mr. P. Narayana Menon and seconded by Mr. P. K. Dewer. Mr. Eachara Menon has since withdrawn his candidature for presidentship; therefore, there are only two candidates for presidentship, Mr. P. Kumaran Ezhuthassan and Mr. L. M. Pylee. We will now proceed with the election. Each member will please come and take the ballot paper.

The Voting took place

3. (i) RAISING OF A POINT OF ORDER

***Mr. Parambi Lonappen** *(Irinjalakkuda):* Mr. President, Sir, before the votes are counted, I rise on a point of order that this House is not properly constituted in that we find the two persons Messrs. P. Govinda Menon and V. R. Krishnan Ezhuthassan who have ceased to be members of this Council on account of the findings of the Commissioners appointed to try the election petition No. 1 of 1122, take part in the proceedings of the Council and Messrs. C. R. Iyyunni and P. Govinda Menon are allowed to function as Ministers and take part in the proceedings of the Council. I want a ruling in that matter.

Diwan President: Any other non-official member who wishes to speak?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Sir, I argree with the observations made by the Hon'ble Member for Irinjalakkuda in support of the point of order that he has raised. One of the consequences of a finding of guilty of corrupt or illegal practice relating to elections, by a properly constituted election tribunal is that as regards sitting members, over and above their losing their right of franchise,—one of the most fundamental rights of man,—they also lose their membership—their sitting membership. It is so laid down, in Section 16 Clause (f) of the Constitution Act of the Government of Cochin. There is a clause there, Sir, which says that the corrupt or illegal practice which has been declared by the laws of Cochin or British India to be an offence or practice entailing disqualification for being a member. Therefore, a finding of guilty of corrupt practice—major or minor—under part I or II of

*Speech not corrected by the Hon'ble Member.

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